

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 12.6.2208 and 12.6.2215 )  
pertaining to exotic species )  
classification )

TO: All Concerned Persons

1. On April 24, 2014, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-411 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 703 of the 2014 Montana Administrative Register, Issue Number 8.

2. The commission has amended ARM 12.6.2215 as proposed.

3. The commission has amended ARM 12.6.2208 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.6.2208 LIST OF CONTROLLED SPECIES (1) The following birds are classified as controlled species:

(a) through (g) remain as proposed.

~~(h) Coturnix genus (old world quail);~~

(i) through (t) remain as proposed but are renumbered (h) through (s).

(2) and (3) remain as proposed.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

4. The commission received a total of 72 comments. The commission has thoroughly considered the comments received and the commission's responses are as follows:

Comment 1: One comment was received in general support of the classifications of exotic species in order to protect our native species.

Response 1: The commission appreciates the participation and support in this rulemaking process.

Comment 2: Two comments expressed concerns that the bobwhite quail would be classified since other quail species are being classified.

Response 2: The bobwhite quail was not proposed for classification and therefore these comments are outside the scope of this rulemaking.

Comment 3: Six comments were received opposing the classification of Gambles and California quail as prohibited species stating that they are considered game birds in others states and coexist with native upland game birds.

Response 3: Although the establishment of populations does occur in neighboring states, any threat of their introduction, either intentionally or otherwise, into the environments in Montana, has the potential for increased disease transmission or displacement of our native game birds.

Comment 4: Forty-four comments opposed the classification of the Coturnix quail as a controlled species stating the Coturnix quail has been domesticated since the 11th century, attempts to introduce Coturnix quail throughout the Midwest have failed, and introduction of new disease is low.

Response 4: The commission is not going to classify the Cotrunix quail as a controlled species based on this information.

Comment 5: Nine comments opposed the classification of the Transcaspiian ural sheep and the Argali sheep as prohibited species.

Response 5: The prohibition is a measure to protect Montana's fragile native bighorn sheep resource from any genetic dilution, disease transmission, and to eliminate the costly measures to ensure any containment measures are in place and the very costly measures needed to remove any feral sheep from the landscape.

Comment 6: Eight comments supported the classification of the red-eared slider as a prohibited species. Some comments stated concern for our native turtles.

Response 6: The commission appreciates the participation and support in this rulemaking process. The classification of the red-eared slider as prohibited will prevent them from being released into the wild from owners that no longer wish to keep them as pets.

Comment 7: Two comments opposed the classification of the red-eared slider. One comment stated that the turtle is native to Montana and the other alluded to the fact that salmonella poisoning has been mitigated in pet stores selling the turtle.

Response 7: The red-eared slider is not native to Montana and salmonella is a continuing issue in pet stores that sell turtles.

Comment 8: One comment stated that classifying entire groups or families of exotic species that pose a threat instead of individual exotic species seemed more logical and less time-consuming.

Response 8: The commission rarely classifies entire groups because it is too general and may include animals that do not pose a threat.

/s/ Dan Vermillion

Dan Vermillion

Chairman

Fish and Wildlife Commission

/s/ Aimee Fausser

Aimee Fausser

Rule Reviewer

Certified to the Secretary of State August 11, 2014.